IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 18688 of 2001

Between:
Smt. Muthyala Satyavathi,
W/o. Muthyala Mareshwara Rao,
R/o. Rayapeta, (Near Vinayaka Temple), Nidadavaole, West Godavari District.
..... PETITIONER

AND

1. The Manager, National Thermal Power Corporation Ltd., Ramagundam, Karimnagar District. A.P.
2. The Chief personnel Manager, National Thermal Power Corporation Ltd., Jyothi Nagar-505215)PO) A.P.
3. The General manager, National Thermal Power Corporation Ltd.,NTPC Bhavan, Scope Complex-7, Industrial Area, Lodhi Road, New Delhi-110003.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction, or a writ, more particularly one in the nature of Writ of Mandamus calling for the records and remarks from the respondents herein, in and connected to:

1. Non-payment of death benefits to the legal heirs of the deceased viz., Sri Muthyala Mareswara Rao, husband of the petitioner herein, who worked as Asst. Controller in N.T.P.C., Ramagundam expired on 5.8.1989 in a motor accident and to pass appropriate orders directing the respondents herein;

2. To pay death benefits to the nominees as per Service Register

3. To sanction family pension to the nominee; and

4. To provide employment to the children of deceased in the interest of justice;

and to pass such other order or further orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Taken up Writ Petition

Counsel for the Respondent Nos.1 to 3: MR.B.ADINARAYANA RAO

The Court made the following Oral Order: (Per Sri Devinder Gupta,CJ)

This is a taken up petition. Though Rule was issued on 13.9.2004, counter has not been filed. Learned counsel for the respondents has given resume of the events, which led to disbursement of the death benefits in favour of Muthyala Mani, alias Satyavathi. It is stated that Sri Muthyala Mareswara Rao who was working as Assistant Controller in N.T.P.C. at Ramagundam expired on 5.8.1989 in a motor accident. After his death, two claims were received, one from the petitioner herein and one by a lady to whom the death benefits have been paid. They were asked to obtain Succession Certificate in accordance with law. Muthyala Mani, alias Satyavathi, obtained Succession Certificate from the Court of Junior Civil Judge, Sultanabad,Karimnagar within whose jurisdiction the deceased lastly resided. It was granted in O.P. No.4 of 1991. Petitioner herein also obtained Succession Certificate from the Junior Civil Judge's Court at Tanuku in West Godavari District. According to the learned counsel for the respondents, the Succession Certificate obtained from the Junior Civil Judge's Court, Tanuku is not valid in accordance with the provisions of Indian Succession Act, 1925, since the Succession Certificate had to be obtained from the Court where the deceased lastly resided, which was again Karimanagar District. While these two claims were pending, third claim was also received from another lady who was also claiming to be the wife of the deceased. All the three claims were heard by the respondents and ultimately payment was released on 8.3.1997 on the basis of the Succession Certificate obtained by Muthyala Mani, alias Satyavathi, in O.P. No.4/1991 from the Court of Junior Civil

Judge, Sultanabad, Karimanagar District.

In view of these facts as disclosed before us, no direction can be issued in this petition which was a taken up petition since the persons aggrieved by the orders of the respondents are at liberty to approach the competent Court of Civil jurisdiction, which alone, can go into the disputed questions of facts.

The writ petition is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 20th September, 2004

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B. SESHASAYANA REDDY,J

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To

1. The Manager, National Thermal Power Corporation Ltd., Ramagundam, Karimnagar District. A.P.
2. The Chief Personnel Manager, National Thermal Power Corporation Ltd., Jyothi Nagar-505215)PO) A.P.
3. The General manager, National Thermal Power Corporation Ltd., NTPC Bhavan, Scope Complex-7, Industrial Area, Lodhi Road, New Delhi-110003.
4. Two C.D. copies
5. Smt. Muthyala Satyavathi,
   W/o. Muthyala Mareshwara Rao,
   R/o. Rayapeta, (Near Vinayaka Temple), Nidadavaole,
   West Godavari District.